

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:) **CHAPTER 13**
)
DEBORAH LEE BEACHAM,) **CASE NO. 20-60714-SMS**
)
Debtor.)

NOTICE OF ASSIGNMENT OF HEARING

PLEASE TAKE NOTICE that **DEBORAH LEE BEACHAM**, has filed a **Motion to Reconsider Dismissal Order** and related papers with the Court.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion in **Courtroom 1201**, United States Courthouse, 75 Ted Turner Drive, S.W., Atlanta, Georgia on the **22nd day of June, 2021 at 10:00 AM.**

“Given the current public health crisis, hearings may be telephonic only. Please check the “Important Information Regarding Court Operations During COVID-19 Outbreak” tab at the top of the GANB Website prior to the hearing for instructions on whether to appear in person or by phone.”

Your rights may be affected by the court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the court to grant the relief sought in these pleadings or if you want the court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleading with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver

your response so that it is received by the Clerk at least two business days before the hearing.

The address of the Clerk's Office is: Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

This 25th day of May, 2021.

Valdejuli & Associates, LLC
2199 Lenox Road, Suite A
Atlanta, Georgia 30324
(404) 636-9957

/s/
Richard K. Valdejuli, Jr.
GA State Bar # 723225
Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:) **CHAPTER 13**
)
DEBORAH LEE BEACHAM,) **CASE NO. 20-60714-SMS**
)
Debtor.)

**DEBTOR'S MOTION TO RECONSIDER ORDER
DISMISSING CHAPTER 13 CASE**

COMES NOW, the Debtor in the above-captioned case, and files this Motion to Reconsider this Court's Order dismissing this Chapter 13 case and in support thereof respectfully show this Honorable Court the following:

1.

Debtor filed for relief under Chapter 13 of the Bankruptcy Code on January 13, 2020 and confirmed by order entered July 16, 2020. By Supplemental Order of Confirmation entered July 17, 2020, the Debtor's Plan payments were to be made on a strict compliance basis for a period of 12 months.

2.

The Trustee filed a Supplemental Report on May 20, 2021 requesting entry of an order dismissing the case because Debtor's Plan payments were not current (Doc No. 59) and an Order dismissing the case was entered May 20, 2021 (Doc No. 60).

3.

Although dismissed, the case remains open.

4.

Prior to dismissal, there was pending a "Motion for Contempt against Creditor

Charles Wayne Beacham for Willful Violation of Automatic Stay" (the "Contempt Motion") that remained unresolved.

5.

The Court had previously ruled March 23, 2020 (Doc. No. 37) that, Creditor Charles Wayne Beacham's "Recoupment" defense to violating the automatic stay dis not apply.

WHEREFORE, based on the foregoing, Debtor prays:

a) That that this motion be granted and that the Order entered May 20, 2021 dismissing this case be vacated to preserve and allow the Contempt Motion to be heard, or, in the alternative;

b) that the dismissal order be vacated allowing the Debtor to seek remedy against Creditor Charles Wayne Beacham for willful violation of automatic stay by Adversary Proceeding so that the Court may retain jurisdiction after dismissal of this case.

This 25th day of May, 2021.

Valildejuli & Associates, LLC
2199 Lenox Road, Suite A
Atlanta, Georgia 30324
(404) 636-9957

/s/
Richard K. Valildejuli, Jr.
GA State Bar # 723225
Attorney for Debtor

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties in the foregoing matter with a copy of the foregoing ***DEBTOR'S MOTION TO RECONSIDER ORDER DISMISSING CHAPTER 13 CASE*** thereon by consent of the parties where indicated, the following have received an electronic copy and service by US Mail and by e-mail and/or Facsimile where indicated upon creditors and parties in interest indicated on the attached mailing matrix dated **5/25/21**.

This 25th day of May, 2021.

/s/
Richard K. Valldejuli, Jr.
GA State Bar # 723225
Attorney for Debtor

Valddejuli & Associates, LLC
2199 Lenox Road, Suite A
Atlanta, Georgia 30324
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Label Matrix for local noticing

Deborah Lee Beacham Document Page 6 of 7

C. Wayne Beacham

113E-1

3355 Lenox Road, N.E.

c/o The Wachter Law Firm

Case 20-60714-sms

Suite 750

106 Hammond Drive NE

Northern District of Georgia

Atlanta, GA 30326-1353

Atlanta, GA 30328-4806

Atlanta

Tue May 25 13:10:06 EDT 2021

Capital One
Attn: General Correspondence
P.O. Box 30285
Salt Lake City, UT 84130-0285Capital One Bank (USA), N.A.
4515 N Santa Fe Ave
Oklahoma City, OK 73118-7901Capital One, N.A.
c/o Becket and Lee LLP
PO Box 3001
Malvern PA 19355-0701Charles W. Beacham
957 St. Lyonns Ct.
Marietta, GA 30068-4533(p) JPMORGAN CHASE BANK N A
BANKRUPTCY MAIL INTAKE TEAM
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MONROE LA 71203-4774Christopher McCormick
105 Pilgrim Village, #400
Cumming, GA 30040-2585Chrysler Capital
P.O. Box 961275
Fort Worth, TX 76161-0275(p) GEORGIA DEPARTMENT OF REVENUE
COMPLIANCE DIVISION
ARCS BANKRUPTCY
1800 CENTURY BLVD NE SUITE 9100
ATLANTA GA 30345-3202Internal Revenue Service
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Atlanta, GA 30308Internal Revenue Service
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106 Hammond Drive NE
Atlanta, GA 30328-4806

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) C. Wayne Beacham

(du) C. Wayne Beacham

(u) Chase Bank

(d) Internal Revenue Service
401 West Peachtree Street, NW
M/S 334-D
Atlanta, GA 30308

(d) Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

(u) Northside

End of Label Matrix

Mailable recipients	25
Bypassed recipients	6
Total	31